

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

APPLICATION OF PIONEER RECOVERY  
FUND LP and CHAMPLAIN  
INVESTMENT HOLDINGS LTD. TO  
TAKE DISCOVERY  
PURSUANT TO 28 U.S.C. § 1782

Applicants.

Case No. 1:20-mc-0293

**APPLICATION OF PIONEER RECOVERY FUND LP and CHAMPLAIN  
INVESTMENT HOLDINGS LTD. TO TAKE DISCOVERY  
PURSUANT TO 28 U.S.C. § 1782**

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Based on the accompanying Memorandum of Law and Declaration of Blaise U. Chow, Pioneer Recovery Fund LP (“The Fund”) and Champlain Investment Holdings Ltd.

(“Champlain” and together, “Applicants”) respectfully petition this Court for an order pursuant to 28 U.S.C. § 1782 (“Section 1782”) authorizing them to take discovery from Amanda Wilson (“Wilson”), 10 East 63<sup>rd</sup> Street, Inc. (“10 E 63<sup>rd</sup>”), Pedro Santiago (“Santiago”), Astrid Pillay (“Pillay”) and Charles Holzer (“Holzer” and, collectively, “Respondents”) for use in a foreign proceeding in the Commonwealth of the Bahamas (the “Foreign Proceeding”).

Applicants satisfy each of the three statutory requirements set forth in Section 1782. *First*, the parties from whom discovery is sought are each located within the Southern District of New York. *Second*, the documents and deposition testimony requested by Applicants are “for use” in the Foreign Proceeding. *Third*, Applicants qualify as “interested persons” under Section 1782, as they are parties in the Foreign Proceeding and/or were involved in transactions central to the Foreign Proceeding.

Further, each of the four discretionary factors established in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004), support granting this Application. *First*, the discovery sought by Applicants is unattainable by the Foreign Proceeding tribunal. *Second*, Applicants are not aware of any reason why the Foreign Proceeding tribunal would not be receptive to this discovery, and indeed courts routinely order discovery under Section 1782 for use in proceedings similar to that at issue in this Application. *Third*, Applicants seek this discovery in good faith. Thus, this application is not an attempt to circumvent foreign proof-gathering restrictions or other policies. *Finally*, Applicants’ discovery requests are not unduly intrusive or burdensome, as they relate to the precise subject matter of the underlying Foreign Proceeding and are narrowly tailored to that subject matter.

Accordingly, and for the reasons described in their Memorandum of Law, Applicants respectfully request that the Court issue the attached [Proposed] Order, which will grant them permission to serve Respondents with subpoenas substantially in the form of those attached to the Declaration of Blaise U. Chow, Esq. as Exhibits A through E.

Dated: New York, New York  
August 21, 2020

Respectfully submitted,

By: 

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